

MEMORANDUM

December 23, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 1/4/76

Petition No. Z-3717
Stavros and Basilia Tsaknakis
45-47 Amherst Street, Roslindale
near Penfield Street

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from a two-family dwelling to a three-family dwelling.

Violations:	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirement for lot area is forbidden in an R-.5 district.		
Section 14-1. Lot area is insufficient.	2 acres	4,000 sf
Section 14-3. Lot width is insufficient.	200 ft.	40 ft.
Section 14-4. Street frontage is insufficient.	200 ft.	40 ft.
Section 16-1. Height of building is excessive.	2 stories	2½ stories
Section 17-1. Open space is insufficient.	1,000 sf	837 sf
Section 18-1. Front yard is insufficient.	25 ft.	16 ft.

Predominantly one- and two-family residential street is narrow and one-way; any nonconforming increase in units is undesirable and inappropriate, particularly with respect to public safety access. Recommend denial.

VOTED: In reference to Petition No. Z-3717, brought by Stavros and Basilia Tsaknakis, 45-47 Amherst Street, Roslindale, for a forbidden use and six variances for a change of occupancy from a two-family dwelling to a three-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Predominantly one- and two-family residential street is narrow and one-way; any nonconforming increase in units is undesirable and inappropriate, particularly with respect to public safety access.

Z-3717
45-47 AMHERST ST.
(ROS.)

FALLON FIELD



Board of Appeal Referrals 12/23/76

Hearing: 1/4/76

Petition No. Z-3734
Trustees of Hemenway Agency Trust
91-95 Westland Avenue, Boston
at Hemenway Street

Eight-story structure - apartment (H-3) district - Fenway Urban Renewal Area.

Purpose: to change occupancy from 93 apartments, hotel (59 rooms), drug store, beauty parlor, gift shop, doctor's office, and three offices to 93 apartments, lodging house (59 rooms), drug store, beauty parlor, gift shop, doctor's office, and three offices.

Violations:

Section 8-7. A lodging house is conditional in an H-3 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Essentially, the hotel rooms would become less transient lodging facilities. Conversion would be consistent with the need in the area. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3734, brought by Trustees of Hemenway Agency Trust, 91-95 Westland Avenue, in the Fenway Urban Renewal Area, for a conditional use and a change in a nonconforming use for a change of occupancy from 93 apartments, hotel, drug store, beauty parlor, gift shop, doctor's office, and offices to 93 apartments, lodging house, drug store, beauty parlor, gift shop, doctor's office, and offices in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval with the following provisos: that there be a resident superintendent; that the conditional permit extend only to the petitioners; that any code violations be remedied.



TRADE HIGH
SCHOOL
FOR
GIRLS

ST.

RUBBARK

EDGERLY

STREET

MASSACHUSETTS

CHRISTIAN SCIENTIST
ADMINISTRATION
BUILDING

ST PAUL STREET

CHRIST
OF
MURCH
SCIENTIST

FALMOUTH
CHRISTIAN SCIENTIST
PARK

STREET

AVENUE

WESTLAND

PARKING

AVENUE

FALMOUTH

AUTOMOBILE
UNDERPASS

SYMPHONY

STREET

WTA STATION

ALBEMARLE

GAINSBOROUGH

HEMENWAY

PARKING

PARKING

OPERA

NORTHARDTON

STREET

91-95 WESTLAND AVE
(B.P.)
Z-3734

(B.P.)

ST. BODOLPH

HUNTINGTON

WATSON

STREET

Board of Appeal Referrals 12/23/76

Hearing: 1/4/76

Petition No. Z-3736
Gino's, Inc.
703 Gallivan Boulevard, Dorchester
near Hallet Street

One-story masonry structure - local business (L-.5) district.

Purpose: to change occupancy from restaurant to restaurant and take-out;
to erect 8' x 4½' addition to accommodate take-out window
(Gino's restaurant).

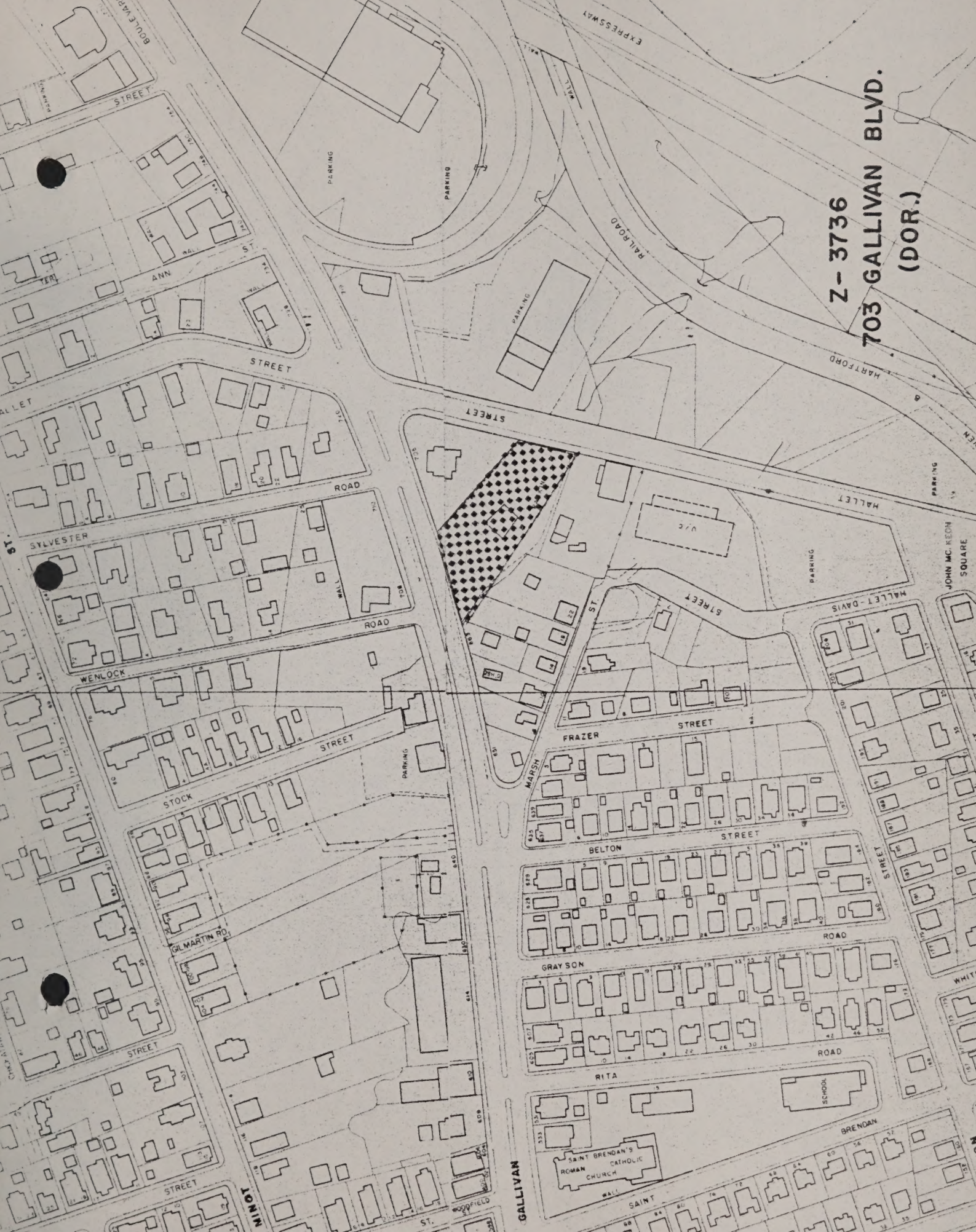
Violation:

Section 8-7. Sale over the counter of on-premises-prepared food or drink
for off-premises consumption or for on-premises consumption
if, as so sold, such food or drink is ready for take-out,
is conditional in an L-.5 district.

Site is appropriate. There is ample space available to support proposal.
Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3736, brought by Gino's,
Inc., 703 Gallivan Boulevard, Dorchester, for a condi-
tional use to change occupancy from restaurant to
restaurant and take-out and to erect a take-out window
addition in a local business (L-.5) district, the
Boston Redevelopment Authority recommends approval
provided stockade fence and front planter are repaired
and that plans, inclusive of landscaping, be submitted
to the Authority for design review.

Z-3736
703 GALLIVAN BLVD.
(DOR.)



Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3737
Gibbs Tire Depot
100 Brighton Avenue, Allston
at Linden Street

Gas service station - local business (L-1) district.

Purpose: to change occupancy from gas service station garage to gas service station garage, parking and renting of motor vehicles.

Violations:

Section 8-6. A change in a conditional use requires Board of Appeal hearing.

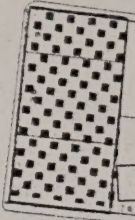
Section 8-7. Rental vehicles are forbidden in an L-1 district.

Nonconforming truck rental and storage (already existing) have a negative visual and traffic impact on the surrounding area. Recommend denial.

VOTED: In reference to Petition No. Z-3737, brought by Gibbs Tire Depot, 100 Brighton Avenue, Allston, for a conditional use and a forbidden use for a change of occupancy from gas service station garage to gas service station garage and parking and rental of motor vehicles in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Nonconforming truck rental and storage (already existing) have a negative visual and traffic impact on the surrounding area.



Z-3737
100 BRIGHTON AVE..
(ALLSTON)



Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3741
Antonio and Vitaliana Rufo
37(r) Winship Street, Brighton
near Peaceable Street

Two-story frame structure (accessory to one-family dwelling) -
residential (R-.8) district.

Purpose: to erect one-story addition to accessory garage.

Violations:

Section 20-2. An accessory building may not be more than fifteen feet
in height nor nearer than four feet to a side lot line.

Second-story addition to existing two-car garage, already constructed, will
be used for storage of tools. There is no apparent impact on the neighbor-
hood. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3741, brought by
Antonio and Vitaliana Rufo, 37(r) Winship Street,
Brighton, for a variance to erect a one-story
addition to an accessory garage in a residential
(R-.8) district, the Boston Redevelopment
Authority recommends approval provided addition
is used only for storage purposes.



Z-3741

37 (R) WINSHIP ST.
(BRI)

Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3742
The Church of the Covenant
67 Newbury Street, Boston
at Berkeley Street

Church - general business (B-4-70) district.

Purpose: to change occupancy from church to church and miscellaneous hall.

Violation:

Section 8-7. A miscellaneous hall is conditional in a B-4-70 district.

Proposal would in effect legalize the hall in which live theatre and musical performances have been presented during the last three years.
Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3742, brought by The Church of the Covenant, 67 Newbury Street, Boston, for a conditional use for a change of occupancy from church to church and miscellaneous hall in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval provided hall activities terminate no later than 11:30 P.M.



Z-3742

67 NEWBURY ST.
(B.R.)

CITY OF BOSTON
PARKING FACILITY
UNIT NO. 4

STREET

COPLEY
SQUARE

NEWBURY

BOYLSTON

BERKELEY

CLARENDON

DARTMOUTH

BEACON

COMMONWEALTH

COMMONWEALTH

OLD SOUTH
CHURCH

FIRST BAPTIST
CHURCH

FIRST LUTHERAN
CHURCH

EMMAUS
CHURCH

STREET

STREET

AVE.

Board of Appeal Hearing 12/23/76

Hearing: 1/18/76

Petition No. Z-3746
David J. McKeen
16 Wait Street, Roxbury
near Pequot Street

Three-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from three-family dwelling to nine apartments.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area, open space, and off-street parking is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	13,000 sf	2,145 sf
Section 17-1. Open space is insufficient.	400 sf	127 sf
Section 23-1. Off-street parking is insufficient.	5 spaces	0

Proposed conversion is contrary to the three-family residential character of the neighborhood and current local rehabilitation practice. Lack of off-street parking facilities would intensify the present acute shortage in the area. Neighborhood opposition is significant. Recommend denial.

VOTED: In reference to Petition No. Z-3746, brought by David J. McKeen, 16 Wait Street, Roxbury, for a forbidden use and three variances for a change of occupancy from three-family dwelling to nine apartments in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Proposed conversion is contrary to the three-family residential character of the neighborhood and current local rehabilitation practice. Lack of off-street parking facilities would intensify the present acute condition in the area. Neighborhood opposition is significant.

[illegible]

Board of Appeal Referrals 12/23/76

Hearing: 11/18/76

Petition No. Z-3748
Trustees of Boston University
185 Bay State Road, Boston
near Granby Street

Four-story structure - apartment (H-4) district.

Purpose: to change occupancy from one-family dwelling and dormitory for five persons to dormitory for nineteen persons and one staff member.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-6. A change in a conditional use requires Board of Appeal hearing.		
Section 23-1. Off-street parking is insufficient.	4 spaces	3 spaces

Mayoral policy statement on medical and educational institutions requires that a master plan be submitted. Petitioner has not complied. Appeal cannot be evaluated without this plan. Recommend denial.

VOTED: In reference to Petition No. Z-3748, brought by Trustees of Boston University, 185 Bay State Road, Boston, for a conditional use and a variance for a change of occupancy from one-family dwelling and dormitory for five persons to dormitory for nineteen persons in an apartment (H-4) district, the Boston Redevelopment Authority recommends denial. Mayoral policy statement on medical and educational institutions requires that a master plan be submitted. Petitioner has not complied. Appeal cannot be evaluated without master plan.

Z-3748

185 BAY STATE RD.

(B.P.)

CHARLES

RIVER



Board of Appeal Referrals 12/23/76

Hearing: 1/18/76

Petition No. Z-3749
Alexander Paliwoda
610-612 Dorchester Avenue, South Boston
near Andrew Square

2½-story frame structure - general business (B-1) district.

Purpose: to change occupancy from one apartment and offices to one apartment and private club.

Violation:

Section 23-2. Off-street parking is insufficient.

Facility would be used as meeting hall for Polish Veterans. Arrangements have been made with nearby St. Mary's Church to provide off-street parking.
Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3749, brought by Alexander Paliwoda, 610-612 Dorchester Avenue, South Boston, for a variance for a change of occupancy from one apartment and offices to one apartment and private club in a general business (B-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that petitioner make arrangements to provide off-street parking at nearby site; that facility terminate club activities no later than midnight.

Z-3749
610-612 DORCHESTER AVE.
(S.B.)



Board of Appeal Referrals 12/23/76

Hearing: 1/25/76

Petitions Nox. Z-3750-3751
Emanuel L. Rosengard
374-378 West Broadway and
309 Athens Street, South Boston

9835 sq. ft. vacant land - general business (B-2) district.

Purpose: to erect one-story 43' x 107' movie theatre; to use premises for accessory parking.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Ancillary parking facility is conditional in a B-2 district.		
Section 11-2. Total area of signs is excessive.		
Section 23-2. Off-street parking not provided on same lot as main use.	49 spaces	13 spaces

Parking plan is unacceptable. The 101-foot curb cut on narrow Athens Street is excessive. Proposed 13 spaces are totally insufficient for congested Broadway commercial area. There would be no spaces for daytime use of facility. Pedestrian access to and from parking area appears inadequate. Recommend denial.

VOTED: In reference to Petitions Nos. Z-3750-3751, brought by Emanuel L. Rosengard, 374-378 West Broadway and 309 Athens Street, South Boston, for two conditional uses and a variance to erect a one-story movie theatre and to use premises for parking in a general business (B-2) district, the Boston Redevelopment Authority recommends denial. Parking plan is unacceptable. The 101-foot curb cut on narrow Athens Street is excessive. Proposed 13 spaces are totally insufficient for congested Broadway commercial area. There would be no spaces available for daytime use of facility. Pedestrian access to and from parking area appears inadequate.



Z-3750-51
374-378 W. BROADWAY
309 ATHENS ST. (S.B.)
BOYS CLUB
ST. AUGUSTINE CEMETARY

Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3760
Dimitrios and Nitsa Booras (owners)
Parkway Homes, Inc. (prospective purchaser)
71 Park Street, West Roxbury
near Centre Street

2½-story frame structure - single-family (S-.5) district.

Purpose: to change occupancy from one-family dwelling to group residence for eight mentally retarded children and two resident staff members.

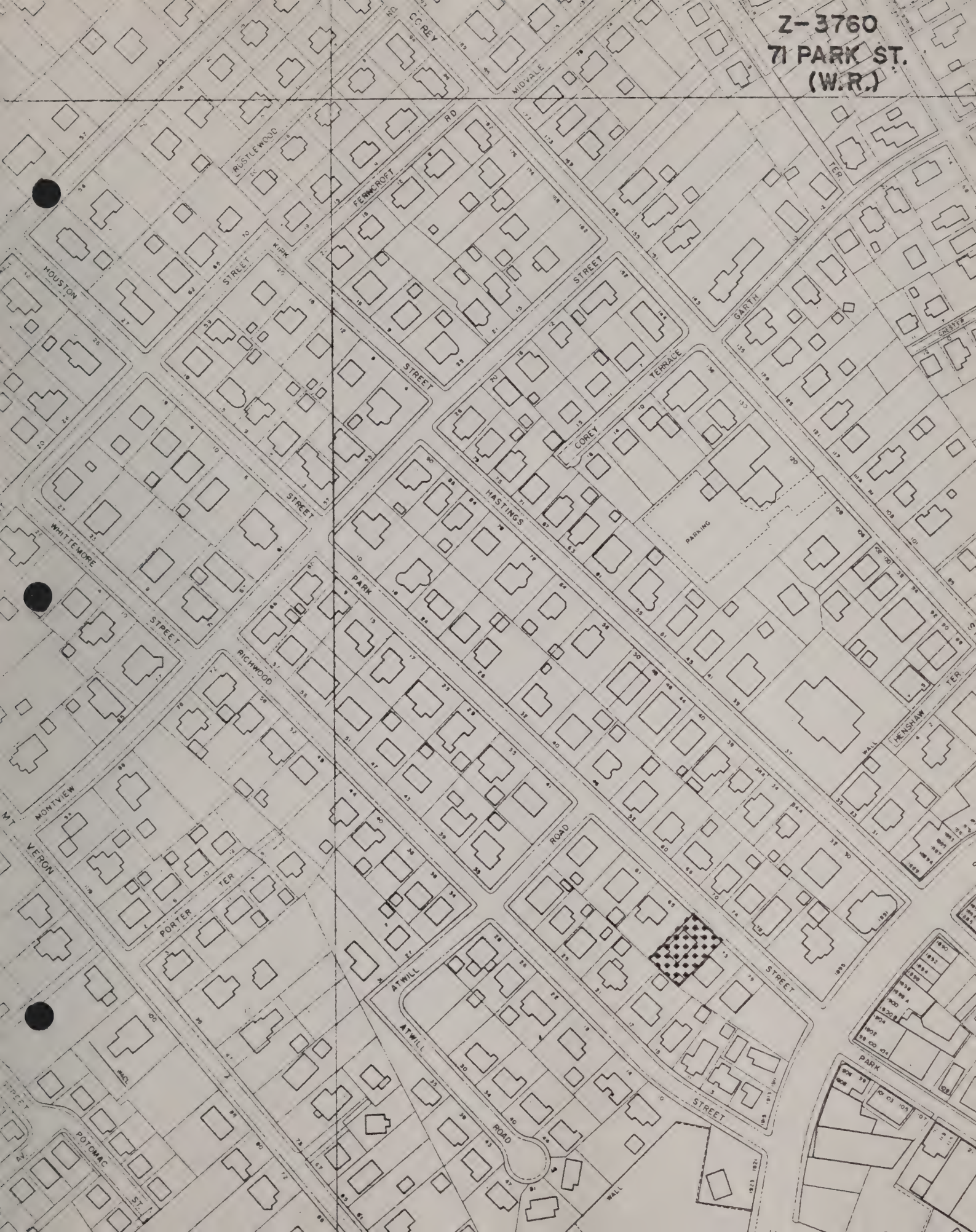
Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A group residence is forbidden in an S-.5 district.		
Section 14-2. Lot area is insufficient.	22,000 sf	6,720 sf
Section 19-1. Side yard is insufficient.	12 ft.	7 ft.
Section 20-1. Rear yard is insufficient.	50 ft.	30 ft.

It is proposed to lease property to Parkway Friends of Retarded, Inc., to establish a community residence for eight handicapped children, which program is funded by the Massachusetts Department of Public Health. Each child will be subject to and participating in Chapter 766 special education program. Primary purpose of the proposed use is to educate formerly institutionalized children in every aspect of community living. Children's age range is approximately 6-12 years. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3760, brought by Dimitrios and Nitsa Bouras and Parkway Homes, Inc., 71 Park Street, West Roxbury, for a forbidden use and three variances for a change of occupancy from one-family dwelling to group residence for eight mentally retarded children and two resident staff members in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the use extend to Parkway Homes--Parkway Friends of Retarded only; that the permit expire upon sale or other disposition of the whole or any part of the building by Parkway Homes, Inc.; that there be no additions or structural alterations to the building.

Z-3760
71 PARK ST.
(W.R.)



Board of Appeal Referrals 12/23/76

Hearing: 1/4/76

Petition No. Z-3765
George Missel
130 Jersey Street, Boston
near Park Drive

One-story structure - apartment (H-2) district.

Purpose: to change occupancy from store and art gallery—ice cream bar
to small restaurant or snack bar.

Violations:

Section 8-7. A restaurant or snack bar is forbidden in an H-2 district.

Structure and others in the immediate vicinity have been used for commercial purposes for many years. Proposal has apparent neighborhood support and would tend to contribute to revitalization of the area.

Recommend approval.

VOTED: In reference to Petition No. Z-3765, brought by George Missel, 130 Jersey Street, Boston, for a forbidden use to change occupancy from store and art gallery—ice cream bar to restaurant or snack bar in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval. Structure and others in the immediate vicinity have been used for commercial purposes for many years. Proposal has apparent neighborhood support and would tend to contribute to revitalization of the area.



Z-3765
130 JERSEY ST.
(B.P.)

PARKING AREA

KILMARNOCK

VAN NESS

PARKING AREA

SEVEN ROOMS
DENTIST
MOBILE
SCHOOL

PETERBOROUGH

BOSTON

SEARS & ROEBUCK CO.

PARK

FULLERTON

AVENUE

STREET

STREET

STREET

DRIVE

JERSEY

STREET

STREET

DRIVE

Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3768
John J. Thomas
69 Harriet Street, Brighton
at Dunklee Road

Two-story frame structure - residential (R-.5) district.

Purpose: to erect two dormer additions to two-family dwelling.

Violation:

	<u>Required</u>	<u>Proposed</u>
Section 15-1. Floor area ratio is excessive.	.5	.52

Proposal would provide additional sleeping space for petitioner's family.
Recommend approval.

VOTED: In reference to Petition No. Z-3768, brought by John J. Thomas, 69 Harriet Street, Brighton, for a variance to erect two dormer additions to a two-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Proposal would not have an adverse effect on the neighborhood.



Z-3768
69 HARRIET ST.
(BRI.)

Board of Appeal Referrals 12/23/76

Hearing: 1/4/76

Petition No. Z-3770
Eugene J. Arcand
223-229 Brighton Avenue, Allston
at Craftsman Street

One-story masonry structure - general business (B-1) district.

Purpose: to erect one-story addition to automotive garage and sales structure.

Violations:

Section 8-6. Extension of a conditional use requires Board of Appeal hearing.

Section 8-7. A repair shop garage is conditional in a B-1 district.

Legal occupancy of the facility consists of office, garage, spring shop, wholesale-retail sales of automotive springs. Proposed storage extension would not have a significant impact on this commercial area. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3770, brought by Eugene J. Arcand, 223-229 Brighton Avenue, Allston, for two conditional uses to erect a one-story addition to an automotive garage and sales structure in a general business (B-1) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.

Z-3770

223-229 BRIGHTON AVE.
(ALLSTON)



Board of Appeal Referrals 12/23/76

Hearing: 1/11/76

Petition No. Z-3778
Anthony Salvaggio
99 Boardman Street, East Boston
near Ashley Street

One-story masonry structure - local business (L-.5) district.

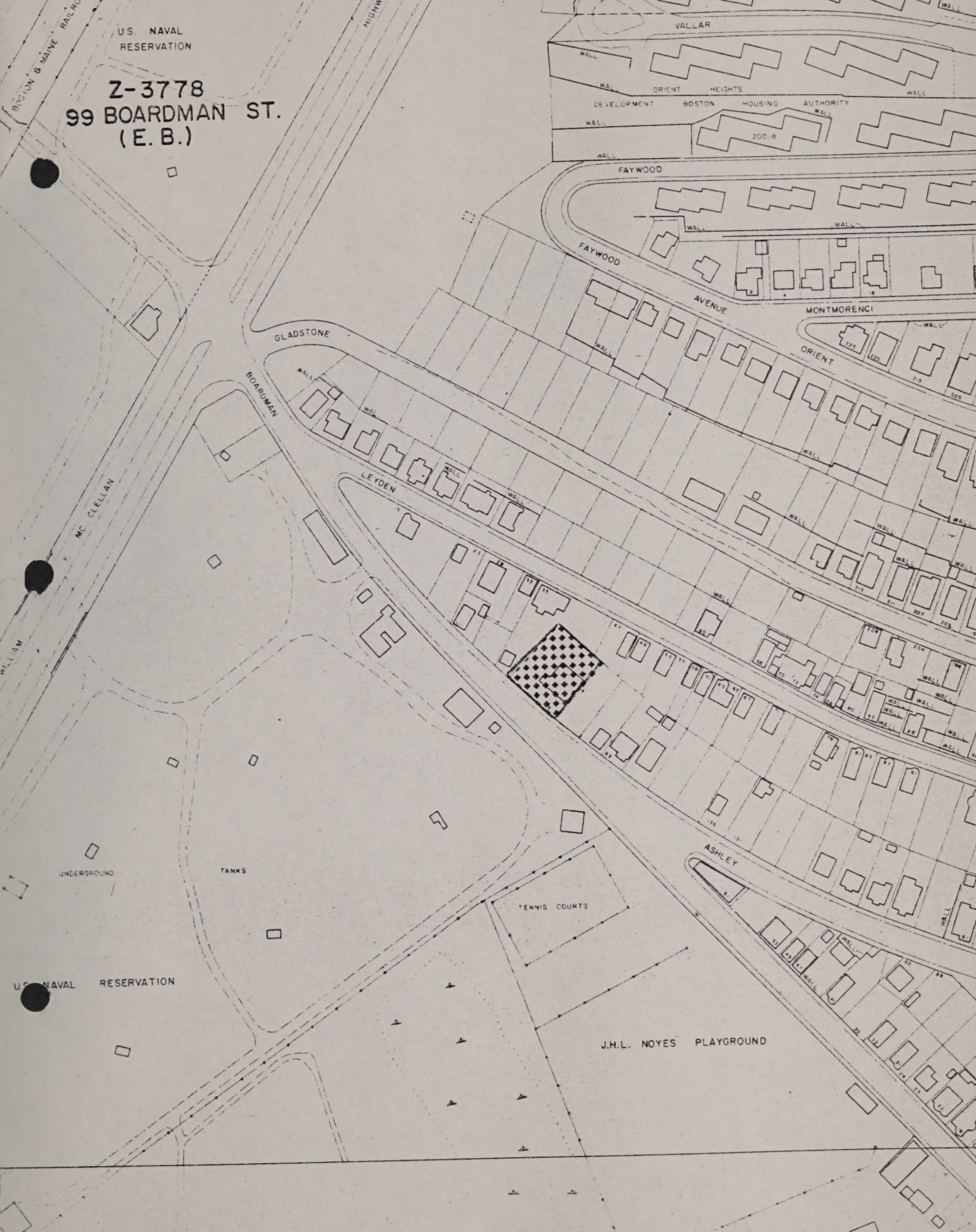
Purpose: to change occupancy from repair shop garage to repair shop garage and indoor display of two used motor vehicles.

Violations:

Section 8-7. Sale of motor vehicles within a structure is forbidden in an L-.5 district.

Interior storage-display of two used cars would not have a significant impact. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3778, brought by Anthony Salvaggio, 99 Boardman Street, East Boston, for a forbidden use for a change of occupancy from repair shop garage to repair shop garage and indoor display of two used motor vehicles in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval provided there is no exterior display of the used cars.



U.S. NAVAL
RESERVATION

Z-3778
99 BOARDMAN ST.
(E.B.)

GLADSTONE

BOARDMAN

LEYDEN

FAYWOOD

FAYWOOD

AVENUE

MONTMORENCI

ORIENT

VALLAR

ORIENT HEIGHTS

DEVELOPMENT

BOSTON

HOUSING

AUTHORITY

200-B

MC CLELLAN

UNDERGROUND

TANKS

TENNIS COURTS

ASHLEY

J.H.L. NOYES PLAYGROUND

U.S. NAVAL RESERVATION